



**NCTA**

NATIONAL CABLE & TELECOMMUNICATIONS ASSOCIATION

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November 11, 2003

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

**Re: CS Docket No. 98-120**

Dear Ms. Dortch:

On November 10, 2003, Robert Sachs (President and CEO); Jill Luckett (Vice President, Program Network Policy), and Michael Schooler (Deputy General Counsel) of the National Cable & Telecommunications Association met with Commissioner Abernathy and her Legal Advisor, Stacy Robinson Fuller, to discuss pending issues in the above-captioned proceeding.

In particular, we argued that broadcasters should not be entitled to dual carriage during the transition and that the FCC should not grant broadcasters must carry rights for their digital broadcast signal until they have returned their analog spectrum. In addition, we argued that the Commission should adhere to its January 2001 ruling that interpreted "primary video" to mean a single digital video program stream. We explained why interpreting the term to encompass multicast digital signals would not only interfere with the ability of cable operators to provide the array of services that best meets the needs and demands of consumers but would also raise serious Constitutional problems.

Respectfully submitted,

**/s/ Michael S. Schooler**

cc: Commissioner Kathleen Q. Abernathy  
Stacy Robinson Fuller